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# Independent Police Investigative Directorate Strategic and Annual Performance Plan 2013

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Police

22 April 2013

Chairperson: Ms A van Wyk (ANC)

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## Meeting Summary

The delegation presented all programmes in the Independent Police Investigative Directorate (IPID), focussing on budgetary allocations and performance indicators in the light of its role in monitoring SAPS members. The Department faced many external and internal challenges, such as an increase in public protests and confusion over their role, not to mention reluctance on the part of the South African Police Service (SAPS) to follow recommendations. There were also capacitation problems and a lack of skills. An average growth of 7.7% in the budget was expected over the next three years.

The Committee expressed concern that travel was listed as a challenge, and said that this was due to the inadequate number and placement of satellite offices. This was worrying, as there did not seem to be enough expansion in this area. There was also concern over what appeared to be low performance indicators, which were defended as being realistic given cross-departmental involvement and vacancies. It emerged that there was no contingency fund for litigation, and this would pose a problem in the event of IPID being held liable for damages.

The Committee was upset that there were important performance indicators not being included, such as the percentage of recommendations made to SAPS that went unresolved. It was agreed that there was not adequate engagement with SAPS on this issue and that in general the IPID should aim to exercise greater oversight.

There were a number of other issues needing attention. The retention and capacitation of staff at all levels, especially management, stood out. Concerns over up-scaling of investigators had not been addressed, nor the adequacy of their levels of training. The failure to expand satellite stations was also a concern, as was the apparent inability to deal with increases in public protests. The IPID should play a more proactive role in investigations. Information was requested regarding the current vacancies, the planning of satellite offices, the human resource management strategy, and the training levels of investigators.

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## Meeting report

### **Presentation from the Independent Police Investigative Directorate (IPID)**

Ms Koekie Mbeki, Acting Executive Director of IPID, said that the delegation's purpose was to brief Parliament on the five year plan and annual performance plan for the immediate financial year and its expenditure.

The focus was on IPID's legislative mandate, being all matters covered by Section 28 of the IPID Act, including systemic corruption. Non-core issues, or ones not directly impacting on investigations, would not be prioritised in terms of expenditure. There had previously been a tendency to spend money that was above and beyond requirements in such areas. The plan before the committee had been produced in-house and had incorporated valuable inputs from the Portfolio Committee and the Ministry. There had been two drafts of the Strategic Plan and three drafts each for the APP and the Estimates of National Expenditure (ENE). The Minister had subsequently approved the Strategic Plan and APP.

There were certain areas of progress, following from the previous year's commitments. A training manual for investigators had been developed, as had standard operating procedures and investigation guidelines. The expanded mandate had been implemented, a

number of high profile cases had been investigated and a draft Memorandum of Understanding had been entered into with SAPS. New components within IPID had been established, the strategic plan and APP had been aligned with the IPID Act, many powers and functions had been delegated to provinces, cost saving measures had been implemented and the Pretoria satellite office had been successfully established.

Ms Mbeki discussed some environmental factors impacting on IPID's mandate, such as increases in violent service delivery protests and a correlative need for crowd control, unrealistic expectations by the general public, confusion on the role of IPID, an increasing workload and insufficient satellite offices. Internal challenges were a high staff turnover, long distances, low skill levels, non-reporting by SAPS in terms of Section 29 of the IPID Act, no feedback from SAPS on recommendations and unplanned investigation projects, such as Marikana.

The five year plan, spanning 2013 to 2018, aimed to ensure independent oversight over the SAPS and the Municipal Police Services (MPS), to conduct independent and impartial investigations of identified criminal offences allegedly committed by members of the SAPS and MPS, and to make appropriate recommendations. Strategic priorities would be the investigation on all Section 28 matters, alignment of planning, budgeting and reporting frameworks, reengineering of systems and processes, reorganisation of functions and responsibilities, strengthening management capacity, increasing investigative capacity, training, development of performance management systems, development of monitoring systems and strengthening of stakeholder relations.

A breakdown of outcomes was presented, two of which were discussed in detail. Outcome Three was for all people in South Africa to feel safe and secure, and Outcome Twelve was for an efficient, effective and development-oriented public service and inclusive citizenship. IPID's ultimate outcome was for the Police Service to be trusted by the community and to operate in line with the spirit of the Constitution.

The changes in the functional programme structure were shown, especially the expansion from three programmes to four. The Administration Programme had been divided into Governance and Stakeholder Management, and Corporate Services. The other two original programmes were Investigation and Legal Services. The budget structure had not yet changed due to the timing of the functional restructuring. National Treasury would be engaged with on the matter. Programme One would include Executive Support, Corporate Governance, Internal Auditing, Financial Management and Security Services. Programme Two would include ICT, Communication Services, Auxiliary Services and Human Resource Management and Development. Programme Three incorporated Investigations, Information Management and Policy Development and Provincial Coordination. Programme Four covered Litigation and Legal Support and Investigation Advisory Services.

Ms Lindokuhle Ngcongco, Chief Financial Officer, explained that the budget for the 2013/14 financial year was aligned to the National Development Plan 2030, and outlined IPID's contribution to government's overall 12 outcomes and key delivery service goals. It was also aligned to the current approved Budget Programme Structure of the IPID. She noted that it was in the context of South Africa's slow recovery from the global economic crisis. The historic budget allocations showed that from 2010/11 the budget allocation had increased from R128.4 million to R217 million. This would increase to R234.7 million in 2014/15 and then R247.2 million in 2015/16.

The Budget Overview showed that staff requirements would see a minimal introduction of new posts over the next three years -- from 349 to 358, and finally to 367. The investigative capacity of the individual provinces would be continually increased. There would be an increased focus on improving the skills of investigators in the light of IPID's extended mandate. The average growth in the budget in previous years had been 23%, but this would drop to 7.7% going forward. Administration would increase from R88.4 million in 2013/14 to R96.3 million in 2014/15 and finally to R101.9 million in 2015/16. The same projections for Investigation and Information Management would be R124.3 million to R133.9 million and finally to R140.6 million. Legal Services would increase from R4.3 million to R4.5 million, to R4.7 million.

Each programme allocation was divided into categories, according to compensation of employees, goods and services, departmental agencies and machinery and equipment. Programme One saw high expenditure in compensation and goods and services, as did Programme Two.

Programme One, Administration, aimed to provide for the overall management of the IPID and support services, including strategic support to the directorate. It was shown that compensation of employees was set to increase by 13.2%, in line with the 2012 health care analysis. Goods and Services decreased by 6% for the same reasons. Machinery and Equipment costs decreased by 18%, Department Management increased by 22%, Corporate Services decreased by 1%, Office Accommodation increased by 6%, Internal Audit expenditure increased by 37% and Finance Administration decreased by 3%. Programme One therefore saw a predicted increase in expenditure of 2%.

Ms Nomkhosi Netsianda, Chief Director of Corporate Services, discussed Programme Two (Corporate Services), saying that its purpose was to provide corporate management services, information communication technology, communication and marketing, auxiliary services, human resource management and development services to the Directorate. Intended outputs were to make IPID accessible to the public, for the Performance Management System to operate optimally and for IPID to be re-engineered.

In terms of public awareness campaigns, there were 306 community outreach events to be conducted in 2013/14, a number which would be maintained over the following two years. The Performance Management System's vacancy rate stood at 13% and it was hoped to reduce this to 10% and then maintain this level. The percentage of females at senior management level would be set at 50%, then maintained. The staff complement consisting of people with disabilities would be set at 2% and then maintained. The Human Resource Management Plan would be updated and implemented annually. The ICT plan and governance framework was intended to be approved in March 2014, with phase one being fully implemented in 2014/15 and phase two in 2015/16. It was hoped that there would be a single feedback report regarding the outcome of investigations provided within 30 days of completion in each year going forward.

A breakdown of staff capacity, according to office and salary level, was given. The majority of posts (193) were at salary levels 7-10 and there were 33 posts at salary levels 13-16. The establishment of salary level per office was also shown.

Ms Charlotte Lobe, Acting Director of Executive Support, discussed Governance and Stakeholder Management, saying that it had been created in an effort to bring the Directorate in line with the IPID Act. Its purpose was to provide for the overall management of the IPID, for policy and strategic leadership and to enhance IPID's ability to deliver on government priorities and objectives. It consisted of five sub-programmes.

Executive Support provided strategic and administrative support to the Executive Director, coordinated and managed liaison with the Minister's Office, the parliamentary committee and other stakeholders, and finally managed inter-governmental relations. Corporate Governance focused on monitoring and evaluation of performance, provided risk management services and ensured compliance with laws and regulations. Internal Audit would provide internal audit services by conducting compliance and performance audits as well as facilitate internal forensic investigations. Security Management Services supported the implementation of security policy and procedures. It also provided access, information and physical security, monitored implementation of IT policies and facilitated integrity testing and vetting. Financial Management provided effective and efficient financial management and supply chain services.

The strategic objectives for this programme were essentially to ensure accessibility of IPID and optimal operation of the performance management system. Sixty media statements, 12 formal engagements with key stakeholders, and 108 formal engagements at provincial level were targeted per year for the next three years. The percentage of policies reviewed would be 70% for all three years, number of performance monitoring and evaluation reports would be 13 for all three years and the number of financial and strategic reports submitted within the prescribed dates would be 21 for all three years.

### **Discussion**

Ms D Kohler Barnard (DA) asked how much IPID relied on the media for investigations. Were they proactive in whistle-blowing? She asked about the cost implications of restructuring and creating an additional programme. Finally, she wanted to know the exact number of posts that were filled and expressed concern that there were only 14 posts for investigators.

Ms M Molebatsi (ANC) asked how many new satellite offices would be opened in the medium term, and who would be conducting training according to the new training manual?

Ms D Sibiya (ANC) asked about TV licences, and what they were being used for.

Mr M George (COPE) complimented IPID for putting together their own annual plan, rather than using consultants. He asked why travelling long distances was a problem, and also why SAPS was not responding to recommendations, as this was central to the IPID mandate.

Mr G Lekgetho (ANC) asked how IPID was going to improve crowd control at protests, in collaboration with SAPS.

Mr V Ndlovu (IFP) asked how many satellite IPID offices were in towns as opposed to rural areas. He asked if there was adequate rural accessibility. He also wanted to know if it would not be possible to review more than 70% of identified policies.

The Chairperson asked how the new structure would impact on the number of administrative personnel and management channels. She also wanted to know why there was only one formal engagement with key stakeholders per quarter but twelve expected overall for the year.

Ms Mbeki explained that as of October 2012 there had been 337 positions available but that this had been seen as insufficient. 349 was seen as a more suitable number and this would increase marginally going forward. She said that not all of these positions had been filled.

Ms Netsianda revealed that 304 positions had been filled, and 45 were vacant.

Ms Lobe said that key stakeholders included the NPA, civil society organisations and the public protector, to name a few. She explained that the 70% target of reviewability was realistic but also a minimum benchmark. They could possibly do more but did not want to promise more than was realistic.

Ms Mbeki agreed that all satellite stations were in cities, but explained that this was dependent on availability and subject to a Department of Public Works ruling. IPID had attempted to find space in rural or suburban areas so as to increase accessibility.

Ms Netsianda said that two satellite stations were being finalised and two more were being prioritised. One was therefore planned for the upcoming financial year and another had been carried forward from the previous year.

Mr Matthews Sesoko, Chief Director: Investigations, said that the service provider for conducting training was called the FBI and it was an accredited company. In most provinces there were only two offices, one main and one satellite. As a result, there was often travelling required to conduct investigations at crime scenes. With regards to feedback from SAPS, he agreed that this was a major challenge. There was ongoing engagement with the SAPS and the Civilian Secretariat. Recommendations were followed up on a monthly basis.

Ms Ncgongo noted that the TVs for which licences were being paid were part of the budget, but she did not know how many there were or what their purpose was.

Ms Netsianda said that there were 34 awareness campaigns in a financial year, and that there would therefore be three per month.

Ms Lobe said that there would actually be four formal engagements per quarter -- there had been a typographical error in the presentation.

Ms Mbeki said that there had not been any costs to restructuring Programme One, but agreed that there would be management implications. However, this was a positive change and the new structure would help to avoid duplications or inconsistencies.

Mr George expressed his dissatisfaction with the lack of responsiveness from SAPS. He said that there should not be negotiation with a body over which IPID exercised oversight authority.

Mr Ndlovu observed that there were no satellite stations in rural areas. He also reiterated that 100% of identified policies should still be reviewed.

Mr Lekgetho asked when the vacant posts would be filled.

The Chairperson said that there had always been a problem with vacancies and that there did not appear to be proper progress in this area. If IPID was able to function without the 31 vacant posts they should maybe turn those posts into investigators. She asked what informed the decision on a venue for a satellite office. Rural areas would be far cheaper to rent in and therefore more economically feasible. As the client, IPID was entitled to insist on location, so DPW should not be dictating this.

Ms Mbeki requested that the delegation be given some time to look at the process of setting up satellite stations before responding, as she was not capable of responding at short notice.

Mr Sesoko said that in the past, provincial heads were requested to do analyses based on the desire to represent each district. The volume of reports per district was taken into account, as were certain other factors.

Ms Netsianda said that there were a number of directorship positions vacant, and it was intended that all the positions would be filled over a number of months. She said that 19 positions were administrative and 14 were for investigators.

The Chairperson requested details on all the vacancies, how long they had each existed and when they were going to be filled. She also said that there needed to be a clearer strategy on the opening of satellite offices so as to improve accessibility.

Ms Lobe said that the 70% indicator was consistent with previous years and that it was chosen without ideals in mind, but rather on the basis of legitimate expectation of success.

Ms Kohler Barnard asked to be filled in on the public protector investigation into the ICD property lease that had been reported in 2011. Had it been completed and was the more expensive lease still being upheld? She also asked about expenditure as at December, saying that IPID had been quite far behind planned expenditure at that stage. She asked if this was not on track, or if there was an expected rollover.

Ms Molebatsi asked about the situation with the executive director's post and the nine provincial directors' posts. Were pathology and

ballistic training included in the training objectives?

Mr Lekgetho asked again how crowd control was going to be improved.

Ms P Mocumi (ANC) asked how the 2% target for employment of disabled persons was going to be achieved. She also wanted to know what requirements IPID had for employment.

Mr George asked how staff turnover was going to be corrected. He also asked about the active investigation of systematic corruption, particularly what steps were going to be taken in this regard.

Mr Ndlovu requested a figure for metropolitan police investigations and their statuses.

The Chairperson asked how the building was impacting on the budget and if rent was still being paid on the previous building. She asked about the human resource management plan and said that it was not a measurable target. There were no targets on numbers of trainees and therefore the performance in this area needed to be expanded upon. She remarked on the inability to report on the fourth quarter due to a lack of auditing, saying that this was nonsense, as none of the other quarters had been audited yet either. She asked what the deliverables were for ICT plan and governance framework, how many phases it had and what their details were.

Ms Mbeki said that IPID did not have a mandate to increase SAPS's commitment to instructing communities in responsible protesting. IPID's focus was on arriving at the scenes of such events on time after the fact so as to more easily ascertain what had happened. She said that the full amount of the lease agreement entered into by DPW was not being paid, but payments were being made according to recommendations made by Treasury. It had therefore been reduced to an affordable expense.

Mr Sesoko dealt with training, saying that a working knowledge of pathology and ballistics was imparted to trainees. SAPS were still heavily relied upon for these sorts of training programmes. Systemic corruption was being prioritised and this required identification at provincial level, followed by a preliminary investigation, and then a project plan would be developed and implemented at national level.

Ms Ngcongo said that the trial balance for the fourth quarter was still outstanding and that the issue had not been the pending audit. The preliminary expenditure figures could be presented, pending their finalisation.

Ms Netsianda said that there were three people employed with disabilities, but the nature of the IPID environment was not attractive to people with disabilities. This was an area in which IPID could seek to improve. She mentioned that staff turnover was a problem and that many employees moved to other environments where they could earn more. The finance and HR departments especially were in the process of seeking to make retention a more viable option.

Ms Mbeki said that IPID was serious about upgrading positions in terms of the restructuring, and that they were engaging with Treasury to secure sufficient funds for this purpose.

Ms Netsianda said that the human resource plan would be implemented slowly but surely and that progress would be measured according to quarterly reports. She said that the ICT plan and governance framework had three phases spanning from planning to integration with other departments.

Ms Molebatsi asked for some clarity on the provincial directors' posts, saying that this was not acceptable. She said that if there was a vacant post, the criteria for filling it were surely already known.

Mr Ndlovu asked about the reliance on the SAPS for training, and requested clarification.

Ms Kohler Barnard mentioned the decrease in certain performance indicators, asking what had motivated this.

Ms Mbeki accepted that it had been an error not to involve the Public Service Commission in appointing provincial directors, and said that the lack of appointments was due to the poor quality of candidates. She said that the criteria for appointment were known but that no candidates had yet met them.

### **Programme Three Presentation**

Mr Sesoko explained that the purpose of Programme Three was to conduct investigations and coordinate processes through the development of investigative policy and strategic frameworks. It also managed reporting on investigative performance and statistical information. The three sub-programmes were Investigations, Information Management and Provincial Coordination. Outcomes and outputs for this programme were in the form of a Case Management System, Completed Investigations, Recommendations Reports and Feedback Reports.

98% of cases received were targeted to be registered and allocated within 72 hours. 18 statistical reports were targeted to be generated on the number and type of cases investigated, and recommendations made. 65% of registered cases of investigations in police custody were to be completed within 90 days. The same applied to deaths as a result of police action. 55% of investigations of discharge of official firearms were to be completed within 90 days. 55% of investigations of rape in police custody were to be completed within 90 days. 50% of cases of torture or assault were aimed to be completed within 90 days. 55% of investigations of corruption were targeted to be completed within 90 days. Other targets were for 100% of disciplinary recommendation reports referred to SAPS and criminal recommendation reports referred to NPA being completed within 30 days of relevant investigations. All feedback reports would be provided within 30 days of completion.

Ms Ngcongo explained that the former Programme Two, Investigation and Information Management, would see a 41% increase in expenditure on compensation of employees, a 10% reduction in goods and services expenditure and a 62% decrease in machinery and equipment expenditure. There were issues around increased workload and the maintenance of a case flow management system and database. Investigation Management saw a 19% increase, Information Management saw an 8% decrease, and Policy Development and Provincial Coordination saw a 19% decrease. In total, this programme saw a 17% increase in expenditure -- the most of all programmes.

### ***Discussion***

Ms Kohler Barnard expressed concern over the low increases in legal service expenditure. She said the fact that there were only eight legal personnel could be a contributing factor to many errors being made. It appeared that investigative capacity was not being prosecution driven.

Mr George said that he was very worried about the programme targets. He said that the subjects of these investigations were easy to find as they were already members of SAPS, and therefore that investigating them should yield higher success rates. He asked about the scale of salary for the investigators.

Ms Mocumi asked what plan existed for clearing backlogs, as not all cases were to be cleared within deadline and this would have a domino effect.

Ms D Chili (ANC) brought up the Tatane incident and asked how the investigation had proved fruitless when it had occurred in broad daylight.

Ms Kohler Barnard asked about the reliance on reports in the media and from whistle-blowers and whether IPID was proactive in pursuing these reports.

Mr Ndlovu asked how many metropolitan police had been investigated and also wanted to know about the reliability of an investigation, and on how many occasions an investigation had been overturned.

The Chairperson asked why cases were being registered and allocated within 72 hours rather than 48, as it used to be. She also wanted to know the total number of investigators who had completed all their training, and how many still had training to complete.

Mr Sesoko revealed that the approach taken in investigating certain matters was prosecution-driven. The prosecution would request certain areas to be investigated and IPID would cooperate. With regards to the targets being quite low, he said that the IPID Act had been passed only in 2011 and that many targets had had to be reviewed subsequently. Targets were informed by the new Act and were therefore still being revised. The broadening of IPID's mandate meant new challenges and an increased workload and the Department was reluctant to appear overconfident of success before having a little more experience under the new Act. He indicated that previous strategy plans had targets more aligned to the financial year. The new targets looked at short term periods like 90 days. He mentioned that the 48-hour period in which cases had to be registered had previously proved too unrealistic and that a combined target for registration and allocation had been developed. He revealed that salaries for IPID investigators were lower than those offered to SAPS members, and began at level seven, but said that there were other benefits such as vehicle subsidies which kept the positions attractive.

Depending on the nature of each case, they would not always be solvable within a set time. Although it was accepted that there would be backlogs, it was equally accepted that these backlogs needed to be cleared promptly. Where the 90 day period was not met, justification was required. On the Tatane matter, an investigator had been present at the scene and all SAPS members present had been apprehended. There had been collaboration with the NPA and a number of steps were taken, especially towards identification. With regards to reliance on the media, Mr Sesoko said that there was a move towards investigation and away from receiving complaints. The vast majority of complaints therefore came from SAPS. The public still had a platform for reporting matters, but they tended to go through SAPS more now.

The number of investigations into Metropolitan Police was minimal. As at the half year, it amounted to approximately 2% of total complaints. With regards to the quality of investigations, it was important to indicate that the move towards IPID involved a lot of

growth within the environment. Moving forward, it was of the utmost importance to ensure reliability. At national office there would be a sampling of reports to ensure a high standard.

With regard to the training of investigators, 118 had been trained on DNA and sexual offences investigation, and 120 had been trained in torture investigation. Other figures were given. Mr Sesoko indicated that in the course of this training some situations such as Marikana had required trainees being called into the field and this had halted progress. However, a full schedule was in place and this would soon be implemented and the backlog corrected. He was unable to provide the exact number of investigators who had undergone all the necessary training, but said that those who had not completed their training would do so soon. He committed to providing the specific numbers within the week.

Ms Kohler Barnard said that the Tatane issue had shaken the nation and that there was a lot of public expectation. She noted that the delegation intended to record all their interviews going forward. This was simply the most recent investigation and she wondered why it had taken this long to learn from past mistakes.

Mr Ndlovu asked of what the 2% figure of complaints against the Metropolitan Police related to. He said that the integrity of IPID had vast implications and needed to be taken more seriously.

Ms Mbeki said that the Tatane incident's problems arose in court, rather than with IPID's role. Recommendations had been made to the prosecutors such as to conduct a trial within a trial, where evidence had been self-contradictory. The court had not found issue with the quality of the investigation, but with the quality of the prosecution. The NPA was still deciding whether or not to appeal.

Mr Sesoko said that the 2% was of the total intake of cases as at half year, but said that he did not have the figures for the remainder of the year.

Ms Molebatsi asked if the officers implicated in incidents such as Marikana had been suspended or were still at work.

Ms Kohler Barnard asked for a percentage of how many recommendations made to SAPS were implemented as opposed to being ignored. There was a history of the vast majority being ignored and she wanted to know if anything had changed in light of the new Act and restructuring.

The Chairperson said that there was no target for this performance indicator and that this was a glaring omission. Although long distances were listed as a challenge, there was no budgeted increase in fuel expenditure, despite prices having risen dramatically in the recent year. The change from ICD to IPID was largely material and that the same baselines had pre-existed the restructuring. She asked how the target for systemic corruption investigations had been developed.

Mr Patrick Setswedi, Director of Finance, said that there had been an increase in travel and subsistence expenditure but that this was not reflected as an overall increase in the various sub-programmes.

Mr Sesoko said that the systemic corruption targets were as a result of a workshop in which provincial concerns had been discussed. He said that the members charged in certain matters had all been suspended. At the time, no members accused in connection with the Marikana matter had been charged.

Ms Kohler Barnard said that it was clear there had been deaths at Marikana, unlike at other incidents and asked how they could be suspended in those matters, but not following Marikana.

Mr Ndlovu asked what the basis was for suspension, and said that the action and the subsequent commission needed to be separated.

Mr George asked if there was a contingent of investigators for unplanned investigation projects at the head office, or if they were all based in provinces.

Ms Mbeki said that the basis for suspension needed to be viewed in light of the Labour Act. It was SAPS's responsibility to discipline their own members, and IPID was not in control of this.

Mr Sesoko said that there were no investigators at head office and that unexpected investigations would draw on provincial resources.

The Chairperson said that although IPID only made recommendations, they were made on the basis of an investigation and the question was therefore whether ignored recommendations were based on legitimately inadequate investigations. There were insufficient quality performance indicators for recommendations and investigations. The Act was clear that SAPS had to comply with recommendations and it was therefore necessary to reveal to what extent this was being done. The number of closed cases also needed to be shown, as well as the conviction rate. It was not enough to investigate often; IPID also had to investigate well. A separate

indicator was also required for oversight over metropolitan police. She asked what the entertainment budget was. She suggested using the NDP in forming performance indicators.

Mr Setswedi said that there was no set budget for entertainment but noted that there had been a discontinuation of DSTV contracts as cutbacks. The catering departmental activities item in the budget was R0.4 million.

#### **Presentation on Programme Four: Legal Services**

Mr Sesoko said that this programme was of vital importance in supporting the core IPID procedures. It ensured that recommendations were of sufficient quality to be implemented and bring about appropriate disciplinary action. There were two components, the legal and litigation advisory services and Investigation advisory services.

In terms of targets, the percentage of contracts and service level agreements finalised within 30 working days of request was to be 90%. The percentage of legal opinions provided within 21 days was also 90%, as was the percentage of policies reviewed for legal compliance within 21 days. Four practice notes and directives were aimed to be produced each year in the medium term. 90% of legal advice was hoped to be provided to investigators within 24 hours, followed by written advice within 48 hours. All applications for policing powers were aimed to be processed within five days.

Ms Ngcongco showed that compensation expenditure for employees would decrease by 24%, with an increase in expenditure on goods and services of 25%. Expenditure focus areas included providing sound legal advice, supporting various draft procedures and issuing practice notes and directives on criminal law and criminal procedure. The programme would see a total increase in expenditure of 20%, or R0.9 million.

#### **Discussion**

Mr George said that in many legal proceedings there were time limits and asked if the target of 90% did not result in 10% of legal questions never being resolved. He asked why the target was not 100%.

Ms Kohler Barnard expressed concern over the stagnation of legal services, with staffing numbers being at a low level.

Ms Molebatsi asked why there was an increase in the number of working days for performance indicators.

The Chairperson noted that the budget did not include a contingency liability budget, despite IPID being involved in a court case which could result in damages having to be paid.

Mr George asked how much was being spent on litigation.

Ms Mbeki said that the reason for the 90% target was that in reality 100% was unattainable. This should not be seen as reluctance to obtain a perfect record. In some instances opinions could be given nearly immediately but others required more time and sometimes this was unanticipated. There was a capacity issue in the programme, but it was seen as more of a priority to capacitate investigation first.

Mr Setswedi said that there was no specific budget for contingent liability. A claim had been lodged with Treasury. He said that if a contingent budget existed they would have no way of knowing when it would be spent and the under expenditure would therefore need to be reported every year until spent.

The Chairperson said that this needed to be evaluated as court cases could easily turn against IPID and they would have to pay the damages out of amounts budgeted in other areas.

Ms Mbeki revealed that of the eight posts in legal services, there were currently no personnel on active duty with actual legal qualifications. Only four were still in that department, the other four were acting in positions in other environments.

Ms Ncgongo cleared up the matter of the television sets, saying that there were 24 at provincial offices and listed them and their locations, which ranged from boardrooms to satellite offices. There were seven sets at the national office. There was R8 525 being spent on television licences per year.

Ms Mbeki said that this had been discussed as a superfluous expense inherited from the ICD. Their respective DSTV agreements had been cancelled but unfortunately the assets themselves remained. The ones at receptions were generally used to keep step-in clients busy while waiting. She agreed that IPID employees did not require televisions.

Mr Thabo Leholo, Acting Provincial Head of Western Cape, said that his province had never had DSTV but that some televisions were used for watching tapes for investigations.



The Chairperson summarised, saying that there were positive areas, such as reprioritising for core targets. However, there were clearly capacity concerns. She asked for the fourth quarter expenditure figures by the end of the week. There were a number of outstanding concerns. The retention and capacitation of staff at all levels, especially management, stood out. Concerns over up-scaling of investigators had not been addressed, nor the adequacy of their levels of training. The failure to expand satellite stations was also a concern, as was the apparent inability to deal with increases in public protests. IPID should play a more proactive role in investigations. She requested information regarding the current vacancies, the planning of satellite offices, the human resource management strategy, training levels of investigators and some other areas. She thanked the committee and the delegation, and encouraged two-way communications in the future. The meeting was adjourned.

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